

MINISTRY OF DEFENCE

Iraq Historic Allegations Team

The Minister of State for the Armed Forces (Nick Harvey MP): On 1 November 2010, I informed the House that the Iraq Historic Allegations Team (IHAT) had been established and had started work to investigate the allegations of abuse of Iraqi citizens by British service personnel that had been brought to the MOD's attention.

Since its inception, the IHAT has been under the superintendence of the Provost Marshal (Army) and has employed a number of Royal Military Police (RMP) personnel, as well as retired civilian police investigators.

The IHAT arrangements have now been the subject of a detailed scrutiny by the Court of Appeal, in particular as to whether it would meet the requirements of independence. The Court examined the responsibilities of RMP personnel and other members of the Army's Provost Branch in relation to detainees in Iraq. It emphasised that there was no evidence of any member of that Branch actually being involved in misconduct against detainees. But the Court concluded that the existence of those responsibilities meant that there was the possibility that the IHAT would have to look into their conduct. This means that an IHAT involving the RMP would allow the public perception of the possibility of bias.

I have absolute confidence in the ability and integrity of the Provost Marshal (Army) and of the Royal Military Police, to conduct appropriate and effective investigations. At the same time, however, public confidence in the IHAT's work is extremely important to the Government, as is the Army's reputation. I accept the Court's conclusion as to public perception and the issues that may arise in the context of a full investigation into these allegations.

We will not, therefore, seek to overturn the decision of the Court of Appeal. The MOD will, instead, reconfigure the IHAT to meet the Court of Appeal's concerns. I have therefore decided to remove

the Royal Military Police role in relation to the IHAT. Instead, that role will be carried out by the Royal Navy Police, which is headed by the Provost Marshal (Navy). This change is already being implemented and will be complete by 1 April 2012.

Given further concerns raised by the claimants regarding the location of the IHAT, we will also look into the cost effectiveness of relocating its investigations away from a military base. Such changes would necessarily increase the duration and cost of the investigations and in the current financial climate it is not clear that they would be justified: accordingly I have set work in hand to test this issue.

It is important to note that the Court of Appeal judgment did not state that a Public Inquiry was needed into these allegations. However, the Secretary of State for Defence will keep this under review in light of the results of IHAT's investigations.

The IHAT is also best placed to undertake two further related investigations that have emerged since it was set up. These additional investigations will start once the IHAT has been restructured:

- The previous Secretary of State committed the MOD to a review of the Baha Mousa Public Inquiry report to assess whether more can be done to bring those responsible for the mistreatment of Baha Mousa to justice. An additional team will be established within IHAT to undertake this review.
- The judgment last July of the European Court of Human Rights in the case of al-Skeini, has also obliged the Government to undertake additional investigations into some further cases that were not part of IHAT's original scope. Another team will be established to investigate these specific cases.

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